

TITLE 16. DENTAL BUREAU OF CALIFORNIA

NOTICE IS HEREBY GIVEN that the Dental Bureau of California is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Department of Consumer Affairs, 2005 Evergreen Street, Sacramento, California, at 9:00am on March 4, 2009. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Dental Bureau of California at its office not later than 5:00 p.m. on February 23, 2009 or must be received by the Dental Bureau of California at the hearing. The Dental Bureau of California, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 1614 and 1645 of the Business and Professions Code, and to implement, interpret or make specific Section 1645, 1646.5, and 1647.5 of said Code, the Dental Bureau of California is considering changes to Division 10 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Amend Title 16 of the California Code of Regulations, Sections 1016 and 1017

Business and Professions Code Section 1645 specifies that the Bureau may, as a condition of license renewal, require licentiates to successfully complete a portion of the required continuing education in specific areas adopted in regulations by the bureau, and that the bureau may prescribe this coursework within the general areas of patient care, health and safety, and law and ethics.

Continuing education requirements are also simplified by eliminating the two category system, which is confusing to licensees and continuing education providers.

The purpose of the proposed changes is to clarify continuing education course requirements for licensees and course providers. The amendments would clarify that the mandatory reporter obligations for licensees as set forth in the California Penal Code may be included in mandatory courses required for license renewal.

The amendments specify the exact requirements that a course in Basic Life Support must contain in order to gain approval for the mandatory requirement, and clarify and expand the providers that are approved to give such courses. This ensures that all licensees have this training given by approved providers in the appropriate format for patient safety.

The proposed changes would also clarify that courses in diagnostic protocols and procedures, charting, nutrition, disaster recovery, peer evaluation, administration of anesthesia or sedation, and courses relating to selection, use and care of dental instruments are allowed for credit for renewal.

Proposed amendments would allow continuing education credit for courses in cultural competencies such as bilingual dental terminology, cross cultural communication, public health dentistry and management of the special-needs patient, to better serve the dental needs of California's diverse population.

Some amendments will allow licensees to obtain continuing education credit for computerized dental office management or new technology designed primarily for improved patient care, required courses in teaching methodology, and courses in cultural competencies and management of the special needs patient.

Other amendments allow for courses that do not involve actual delivery of dental services to the patient or the community, but are necessary for access to care, such as scheduling systems, communication, dental practice management, team development and human resource management, to compose no more than 20% of a licensee's continuing education.

Proposed amendments place into regulation the longstanding practice of allowing licensees to gain continuing education credit while involved in peer evaluation, reviewing clinical evaluation procedures, case studies and studying radiographic data on behalf of the Dental Bureau and the Committee on Dental Auxiliaries.

Additional amendments clarify that courses relating to the purchase, sale or transfer of a dental practice, and courses pertaining to cosmetic enhancement outside the licensee's scope of practice shall not be recognized for continuing education credit.

Some amendments clarify the application process for becoming a continuing education provider, and the requirements and responsibilities of providers. The application and renewal forms for continuing education providers have been revised and updated to reflect current standards, and to conform with these proposed amendments, and are incorporated by reference.

Proposed amendments require continuing education units for two new permit categories that are established as of January 1, 2010 that mirror the

requirements for licensees as directed in new Business and Professions Code Sections 1750.2 and 1750.4.

Obsolete sections relative to processing times are stricken.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Sections 17500-17630 Requires Reimbursement: None

Business Impact:

The Bureau has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

AND

The following studies/relevant data were relied upon in making the above determination:

These regulations will allow continuing education credits to be granted to licensees for taking courses that are currently not specifically allowed, although these courses involve actual delivery of dental services and communication and cultural competency with California's ethnically diverse population. The regulations simplify the renewal requirements for licensees and clarify the requirements of the written certification that course providers must submit to the Bureau, and set Bureau policy into regulation.

Impact on Jobs/New Businesses:

The Dental Bureau of California has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

Businesses may incur a small initial cost to reprint certificates according to the new requirements of the regulations, however these businesses will have the ability to give a wider variety of continuing education courses for credit, and licensees will have access to more courses that comply with their renewal requirements.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Dental Bureau of California has determined that the proposed regulations would not affect small businesses unless those small businesses were course providers of dental continuing education courses. If a dental continuing education provider that is a small business offered courses for dental licensees' renewal, that course provider would be able to offer a greater variety of courses and would be required to provide a sampling of the written certification issued to participants, and provide the 11-digit course registration number in the upper left hand corner of the certificate.

CONSIDERATION OF ALTERNATIVES

The Dental Bureau of California must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The Dental Bureau of California has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is

based, may be obtained at the hearing or prior to the hearing upon request from the Dental Bureau of California at 2005 Evergreen Street, Suite 1550, Sacramento, CA 95815.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below **[or by accessing the website listed below]**.

CONTACT PERSON

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name:	Donna Kantner
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The backup contact person is:

Name:	Cathleen Poncabare, Executive Officer
Address:	2005 Evergreen Street, Suite 1550 Sacramento, CA 95815
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Website Access: Materials regarding this proposal can be found at www.dbc.ca.gov